

**DODGE COUNTY LAND RESOURCES AND PARKS COMMITTEE
MINUTES
October 5, 2020**

The Dodge County Land Resources and Parks Committee met on October 5, 2020 at 7:00 p.m. on the 1st Floor of the Administration Building, Juneau, Wisconsin.

Chairman Schaefer called the meeting to order. Roll Call was taken. Members present were Allen Behl, Mary Bobholz, Tom Schaefer, Travis Schultz. Larry Schraufnagel participated by phone. The staff present at the request of the Chairman were Bill Ehlenbeck and Joseph Giebel. No Other County Board members in attendance.

The Chairman asked the staff to confirm compliance with the open meeting laws and the public hearing notice requirements. Joseph Giebel noted that the meeting was properly noticed in accord with the open meeting law and noted that the required notices for the public hearings listed on the agenda were posted, mailed and published in accord with the statute and code requirements.

The hearing procedures were read into the record.

TOWN REZONING REQUESTS

Town Rezoning Petition – KATMAR Real Estate LLC – Part of the SW ¼ of the NE ¼, Section 4, Town of Theresa, Dodge County, Wisconsin, the site address being W1494 County Road TW. Petition to rezone approximately 2.5-acres of land under the Town of Theresa Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District has been submitted by the Town of Theresa Town Board to the Dodge County Board of Supervisors for approval. Committee review and recommendation to the County Board.

Motion by Mary Bobholz to submit a favorable recommendation to the County Board of Supervisors on the petition to rezone approximately 2.5-acres of land under the Town of Theresa Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District.

Second by Larry Schraufnagel Vote 5-0 Motion carried.

Town Rezoning Petition – Menard Inc. – Part of the NW ¼ of the NW 1/4, Section 23, Town of Hubbard, Dodge County, Wisconsin, the site address being W3247 and W3167 County Road S. A petition to rezone approximately 72.9-acres of land under the Town of Hubbard Zoning Ordinance, from the AG General Agriculture Zoning District to the IM Industrial and Manufacturing Zoning District has been submitted by the Town of Hubbard Town Board to the Dodge County Board of Supervisors for approval. Committee review and recommendation to the County Board

Motion by Allen Behl to submit a favorable recommendation to the County Board of Supervisors on the petition to rezone approximately 72.9-acres of land under the Town of Hubbard Zoning Ordinance, from the AG General Agriculture Zoning District to the IM Industrial and Manufacturing Zoning District.

Second by Travis Schultz Vote 5-0 Motion carried.

PUBLIC HEARING

Scott Hewitt, agent for Thomas and Margaret Agnew – Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow for the creation of three approximate 1.9-acre single family nonfarm residential lots within the A-1 Prime Agricultural Zoning District. The property is located in part of the NE ¼ of the NW ¼, Section 14, Town of Elba.

Motion by Mary Bobholz to approve the request for a Conditional Use Permit under to allow for the creation of three approximate 1.9-acre single family nonfarm residential lots within the A-1 Prime Agricultural Zoning District subject to the following conditions:

1. The applicant shall obtain the required land division approvals for the proposed lots from the County and local municipalities if required, prior to the creation of these lots;
2. The total area of the proposed non-farm residential lots shall not exceed 9.88-acres in area unless the lots are successfully rezoned out of the A-1 Prime Agricultural Zoning District;
3. Only one single family residential unit may be constructed on each of the proposed non-farm residential lots unless the lots are successfully rezoned into a zoning district which allows additional residential units;
4. The acreage of the proposed non-farm residential lots shall count towards the total non-farm residential acreage that can be created from the base farm tract for this property;
5. A "Notice of Zoning Limitations" document shall be recorded with the Dodge County Register of Deeds Office for the following parcels which make up the "base farm tract" which notifies the potential buyers of these parcels that there may be limitations as to the number of new lots that can be created from this base farm tract:
 - 014-1013-1424-000; 014-1013-1514-000; 014-1013-1432-000;
6. The owner and subsequent owners of these non-farm residential lots hereby agree to comply with Subsection 9.2, Right to Farm provisions of the Dodge County Land Use Code and that they will not cause unnecessary interference with adjoining farming operations producing agricultural products and using generally accepted agricultural practices, including access to active farming operations;
7. The decision of the Committee shall expire one year after the decision is filed with the Department unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use is established, or the Conditional Use Permit is renewed, for a period not to exceed one year.
8. The Conditional Use Permit shall also expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

Second by Travis Schultz Vote 5-0 Motion carried.

PUBLIC HEARING

Cloud 1 LLC, Bug Tussel Wireless, agent for NDN Farms, Inc. – Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow the construction of an approximate 304-foot wireless communications tower and facility. The site is located in part of the NW ¼ of the SE ¼, Section 30, Town of Rubicon along the south side of Elmwood Road approximately 500 feet west of its intersection with Riverview Drive.

Motion by Mary Bobholz to approve the conditional use permit request to allow the construction of an approximate 304-foot wireless communications tower and facility on this site subject to the following conditions:

1. The proposed tower shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the Federal Government with the authority to regulate towers and antennas.
2. The tower shall be painted with alternate bands of aviation orange and white paint as specified in Section 4.9.3.A.1 of the Code.
3. The design of the buildings and related structures at this tower site shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment per 4.9.3.A.2.
4. The tower shall be lighted, in accord with the applicable FAA and other regulations.
5. Accessory facilities must satisfy all applicable setback requirements of Chapter 5 of this Code.
6. The tower and antennas shall not be used for any advertising.
7. The tower shall be designed, structurally, electrically and in all respects to accommodate co-location of both the applicant's antenna(s) and comparable antenna(s) for at least three additional users and shall make access to the tower and tower site for additional users at a fair and reasonable price.
8. The site shall be landscaped to satisfy the requirements of Section 4.9.3.F of the Code. A copy of the landscaping plans shall be submitted to the Department for review and approval prior to the approval of the conditional use permit.
9. Any change and/or expansion of the tower site, including any change in height of the tower and antennas above 304' may require that a new Conditional Use Permit be obtained.
10. A County Land Use Permit for the construction of the tower shall be obtained by the applicant prior to beginning construction.
11. The applicant shall submit a copy of a signed agreement to the Department between the property owner and the owner of the tower and supporting equipment and buildings detailing requirements for the abandonment and subsequent removal based on the provisions of Section 4.9.3.G.1 of the Code. This agreement shall contain provisions binding said agreement in future property owners and future owners of a tower, antennae and all supporting equipment and buildings prior to the issuance of the land use permit;
12. The decision of the Committee is valid for one year.

Second by Allen Behl Vote 5-0 Motion carried.

PUBLIC HEARING

Pine Hills Trucking Inc., agent for Haase Pine Hill Real Estate LLC, - Request to allow a modification to Conditional Use Permit 2004-1449 issued under the Land Use Code, Dodge County, Wisconsin to allow an increase in the number of semi tractors and trailers associated with the agricultural trucking and custom harvesting business on this site. The property is located in part of the SW ¼ of the NW ¼, Section 15, Town of Calamus, the site address being N6306 N Salem Road.

Motion by Travis Schultz to approve the conditional use permit request to allow a modification to Conditional Use Permit 2004-1449 issued under the Land Use Code, Dodge County, Wisconsin

to allow an increase in the number of semi tractors and trailers associated with the agricultural trucking and custom harvesting business on this site subject to the following conditions:

1. The Agricultural Trucking and Custom Harvesting Business operations shall be conducted without offensive noise, vibration, dust, smoke, odor, glare, lighting or the risk of fire, explosion or other accident and shall not be detrimental to the public health, safety or general welfare of the immediate neighborhood or community;
2. All exterior lighting shall meet the functional and security needs of the proposed site without adversely affecting adjacent properties or the community.
3. Any significant change to the Agricultural Trucking and Custom Harvesting Use on this site, any future expansion or significant change to the farm shop/machine shed on this site and any expansion of the parking area associated with the trucking company may require that a new conditional use permit be issued;
4. There shall be no temporary or long term warehousing or storage of non-agricultural products on this site without the required County, State and local approvals and authorizations;
5. Access to this business shall be from CTH "D";
6. There shall be no loaded trucks on North Salem Road from February 1st to May 15th, except for emergency repairs.
7. The Conditional Use Permit shall expire upon termination of the business or if the rights granted by the permit are discontinued for 180 consecutive days.

Second by Mary Bobholz Vote 5-0 Motion carried.

PUBLIC HEARING

Jason Braunschweig - Petition to rezone approximately 10.5-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural Zoning District and an application for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin has been submitted to allow for the establishment of a wedding venue facility for weddings and other celebrations within the existing Quonset barn located on this site. The property is located in part of the NW ¼ of the NE ¼, Section 26, Town of Hustisford, the site address being N3228 Pike Road

Rezoning Request:

Motion by Mary Bobholz to submit a favorable recommendation to the County Board of Supervisors on the request to rezone approximately 10.5-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural Zoning District.

Second by Tom Schaefer Vote 4-1 (Behl) Motion carried.

Conditional Use Permit Request:

Motion by Mary Bobholz to approve the conditional use permit request to allow for the establishment of a wedding venue facility for weddings and other celebrations within the existing Quonset barn located on this site subject to the following conditions:

1. The business operation shall be conducted without offensive noise, vibration, dust, smoke, odor, glare, lighting or the risk of fire, explosion or other accident and shall not be detrimental to the public health and safety or general welfare of the immediate neighborhood or community.
2. The facility shall not be open after 12:00 midnight.

3. It shall be the responsibility of the applicant to obtain all Federal, State and/or local municipality permits, licenses and approvals that may be required for the construction and operation of the proposed private event facility on this site. The owner shall provide documentation to this Department that the applicable Federal, State and local municipality permits, licenses and approvals have been obtained to operate this facility and to document that the facility meets the required structural requirements and the fire and building codes prior to use of the facility for a public event.
4. All exterior lighting shall meet the functional and security needs of the proposed development without adversely affecting adjacent properties. The applicant shall submit a detailed lighting plan in accord with Section 8.8 of the Code to the Department for review and approval prior to the issuance of the conditional use permit. The lighting for the proposed parking area shall be shielded downward along the south and east sides of the property.
5. A land use permit shall be obtained by the applicant for any construction of access driveways and for any filling or grading that would be necessary to improve the parking areas prior to beginning construction. An erosion control plan shall also be submitted with the land use permit application and all road access permits shall be obtained from the Town if required.
6. A land use permit shall be obtained by the applicant for any proposed construction that may be required in order to bring the barn facilities into compliance with the applicable building and fire safety codes and for any signs to be located on said property prior to beginning any construction on this property or the location of a sign on this property.
7. Portable restrooms may be used temporarily for the operation of the wedding facility for the first two years of operation of the facility in accord with the applicable Wisconsin Statutes and Wisconsin Administrative Code. A code compliant private onsite wastewater treatment system or other approved method of sanitary sewage disposal facility shall be installed to serve the proposed facility within two years of the issuance of the conditional use permit or additional approvals to allow the continued use of the portable units for this facility shall be obtained from the Committee.
8. A detailed parking plan in accord with Section 8.2.6 of the County Land Use Code shall be submitted to the Department for review and approval prior to the issuance of the Conditional use permit. The parking spaces shall be located outside of the floodplain and wetland districts. The aisles and spaces shall be clearly marked and shall be maintained in a manner so as to be readily visible and accessible at all times the event facility is in operation in accord with Section 8.2.9 of the Code. The proposed plan to mark the spaces shall be submitted to the Department for review and approval prior to the issuance of the conditional use permit.
9. There shall be no parking within the road right-of-way of Pike Road.
10. Any significant change to or expansion of the business operation and/or of its facilities may require that a new Conditional Use Permit be obtained.
11. The decision of the Committee shall expire one year after the decision is filed with the Department unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use is established, or the Conditional Use Permit is renewed, for a period not to exceed one year.
12. The Conditional Use Permit shall also expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

Second by Travis Schultz Vote 5-0 Motion carried.

OTHER BUSINESS

1. The minutes from the September 21, 2020 meeting were reviewed by the Committee.

Motion by Travis Schultz to approve the minutes as written.

Second by Mary Bobholz

Vote: 5-0

Motion carried.

2. No Committee Member Reports

3. No additional Per Diems

Motion by order of the Chairman to adjourn the meeting.

Meeting adjourned at 9:15 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Mary Bobholz", is written over a horizontal line.

~~Allen Behl~~, Secretary

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.